
PDF PAGE 1, COLUMN 1

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**Attorney Arnold, for
Frank, Says**

Juror Pleased to Get on Panel to Hang Accused.

A recess in the hearing on a new trial for Leo M. Frank was taken at 3:45 o'clock Saturday afternoon as Attorney Reuben Arnold was in the midst of a scathing denunciation of A. H. Henslee, who, the lawyer declared, had lain in wait in cold blood to get on the jury that he might use his influence in convicting the defendant.

"He got there for no other purpose," asserted the lawyer. "The affidavits show that Henslee deliberately went into the jury box with his mind poisoned against Frank and that the virus of his prejudice very easily might have spread to other members of the jury."

Attorney Arnold laid great stress upon the fact that a great outbreak of cheering and shouting had taken place about the courtroom before the polling of the verdict had been completed. He declared that Judge Roan under the law must give the defendant a new trial on this ground, if there were no others to be considered. He held, and read legal citations to support his contention, that a verdict is not complete until every man has been polled and that the verdict was vitiated "by the savages who stood outside on the street and shouted and cried for blood and leaped with joy because a man was to be condemned to death."

Arnold's reasons and narration of the facts of the case repeatedly were illumined by blazes of wrathful denunciation of the manner in which the case against Frank had been conducted

by Solicitor General Dorsey, and of the "Scowling, vicious crowd," which he represented as crying like ravening wolves for the life of the defendant.

"All the Solicitor had to do," he shouted, "was to pour blood down their throats and they were satisfied."

He charged Dorsey with playing to the grandstand; with corrupting and warping the evidence so as to draw the most ridiculous and fantastic conclusions with which to gull the jurors, and with being a party to the gigantic conspiracy to send an innocent man to the gibbet.

"The jury," he observed, "was perfectly willing to swallow anything—the more improbable and grotesque, the better. NO evidence was worth a bauble before that scowling, vicious mob. They were pack of wolves thirsting for blood."

Says Dorsey Misrepresented.

"Did you ever hear of a case," Arnold asked, "where so many outside things entered to damn a man? The Solicitor was willing to use any means, no matter how unfair, to convict this man. Russia isn't much worse than this. The Solicitor was a party to the inquisition which was forced on Minola McKnight. Illegal methods were used to get this hysterical negro woman to agree to the horrible story her husband had fixed up. And this was after the Solicitor already had one affidavit from her in which she denied every detail of that fabrication of her husband's."

"The Solicitor defiantly admitted that he did it and was proud of it. But he and the detectives committed a crime against her so great that if she had taken a pistol and killed every one of them, manslaughter would have been the worst charge that could have been lodged against her."

Tramp Surer of Justice.

"Why, before some juries, a tramp has a better chance of justice than a man of moderate means and unimpeachable reputation. It has come to a pass that a man of means is worse off

in a court of justice than a bum and a tramp, so fearful are juries of public opinion."

"The attitude of the prosecution

Continued on Page 2, Column 5.

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Continued From Page 1.

throughout the case has been an open bid to those who hate respectability and honor and who are envious of success to come and appear as witnesses."

Mr. Arnold made a thorough review of every phase of the mystery, entering into the merits of the testimony of the various witnesses with almost the same detail as at the trial. He scoffed at the idea that the murderer could be any other than Conley, and marshalled the facts of the case in imposing array to support his contention.

Calls Bloodspots Fakes.

He declared that the so-called blood spots on the second floor which were used to help out the State's theory that Mary Phagan was killed on that floor by Frank, were a fraud and a fake. Three of the spots, he said, had been found by the State's own witness, an expert chemist, not to be of blood, and the fourth had four or five corpuscles which might have been caused by an eightieth part of an ordinary drop of blood, and might have been made three or four years before.

Solicitor Dorsey was to follow Arnold. Attorney Rosser will close for the defense. It is unlikely that the hearing will conclude before Monday afternoon.

That a change of venue will be demanded in the event a new trial is granted was made evident by Attorney Arnold's comment that no harm could result from a new trial "where the

surroundings are better and where the chance to get justice is better."

Returning to the theme of "mob spirit," which he discussed at length Friday, Attorney Arnold said:

"Men came to that trial with their minds poisoned. Had this trial come up as a new proposition and had the jurors and spectators come with open minds, I doubt if much time would have been taken in finding a verdict of not guilty."

"Whole Case Hinges on Conley."

"The whole case stands or falls on Conley's story. The negro declared that Frank asked him on Friday to come and watch for him on Saturday. But there was no evidence that he knew Mary Phagan was coming for her pay Saturday. It was more natural to suppose that she would come Monday. And there is no evidence that Frank had an appointment with any other woman on that date. So Conley's story of being asked to come and watch for Frank when there was no one to watch for."

"After telling one story in which he denied being at the factory on Saturday, Conley was finally brought around to admit he was there. He had feared being known as being at the factory on the day of the crime because he knew he would be charged with the murder, but the impossibilities of his tale led the detectives to change it for him."

Conley as a Watchman.

"But let us see what kind of a watchman he was. He sat there at the foot of the stairs and says he saw this little girl. Mary Phagan, go upstairs. And then, if I recall the testimony, he heard a girl's scream. He must have known something was wrong. Yet, when Monteen Stover came, he let her go right upstairs. A fine watchman he was! Of course, he never was on watch. If he had been, he never would have let the Stover girl go to the second floor. It was a monstrous and grotesque lie!"

"We've established beyond doubt that Mary Phagan could not have arrived at the factory before 12:10 or 12:12 1-2. The physical facts show that Leo Frank could not have committed the crime."

"Did you ever see such an assault upon the facts of the case as was made by the State. Th did not convict the man on the facts, but on what may have been the facts. Their whole case falls to the ground if Mary Phagan got in town between 12:07 and 12:10."

Judge Roan interrupted at this point to ask why the case would fall.

"I'll tell you why, your honor," retorted Arnold. "It is because their star witness, Jim Conley, testified that Mary Phagan went into the factory before Monteen Stover, and Monteen Stover entered the factory at 12:05. She looked at the clock. She stayed there until 12:10. But before all this, according to Conley, Mary Phagan had come in and had been there quite a while. She had gone into Frank's office. She and Frank, Conley says, had gone back to the metal room. Then Conley testified that he heard a scream. All this occurred, but the State's theory, before Monteen Stover entered at 12:05. Yet the State's own witness, George Epps, declared that he rode to town with Mary Phagan and that they didn't get off the street car until 12:07. I don't know whether Epps ever rode with the Phagan girl that day, but, granted that he did, for his testimony as to time is corroborated by the defense's witnesses, the motorman and conductor of the car, Mary couldn't have arrived at the factory before 12:10 or 12:12. By this time Monteen Stover had come and gone, and the State's case falls."

Says Negro Composed Notes.

Attorney Arnold took up one by one other important points in the trial and asserted he had demonstrated that he had established that it would have been impossible for Frank to have killed Mary Phagan at the time the State held the murder took place and that he also had established that Frank had left the

factory long before the moving of the body could have been completed as described by Conley.

Judge Roan again interrupted Attorney Arnold to ask him to take up the matter of the notes found by the body of the dead, Mary Phagan.

The lawyer said that if, as Conley maintained, Frank planned to have the body burned, he never would have had the notes written. They would have been absolutely purposely with the body out of the way, Arnold asserted.

The lawyer also contended that the language was distinctively negro dialect, particularly the expression "lay down play like the night witch did it." The expression "by hisself," Arnold said, had been found in the negro's testimony 92 times.

Responsibility on Judge.

"It takes thirteen jurors to murder a man in cold blood in Georgia," exclaimed Arnold, addressing the court. "The trial judge has to approve the verdict brought in by the twelve jurors. This puts a terrible responsibility onto the judge. With his superior experience and his thorough knowledge of law, he is in a much better position to weigh accurately and intelligently the evidence which was submitted."

"A judge once said that it was up to the jury to decide whom to believe, but the Superior Court did not approve this evasion of plain duty on the part of the trial judge."

"This is a most unusual case. There have been murders before and there will be after this. The example of Cain will be followed until the end of time. You may pick up the newspapers any day and read of these crimes. They do not mitigate this murder in the least. The crime at the pencil factory was as atrocious as any in the history of the State."

"But the intense feeling over this crime grows out of something else than its mere atrocity. You have got to hunt down under the surface, but you have to scratch down just a little

before you find that it is the same old cause that has run down through the ages."

Cites Russian Trial.

"About the only parallel in recent times is going on to-day in the holy city of Kieff, Russia, where they are trying Mendel Beiliss, a Russian Jew, for the 'ritual murder' of a 13-year-old boy. It's a case on which the civilized world looks aghast and with horror. Everyone knows that it's all a lie and a diabolical persecution. The boy was killed. There is no doubt of that. But that he was killed by Beiliss as a victim of the so-called 'ritual murder,' which, as a matter of fact, exists only in the imagination of the persecutors of the Jews, is an infamous lie, as the world knows."

"As strange as is this travesty on justice in progress in Kieff, Russia, it is no stronger than the trial which was enacted in our own city of Atlanta last August. The charges are no more ridiculous and fantastic than those brought against this young man here."

"We have had to contend against two hydra-headed propositions which confront us at every turn—prejudice and ignorance—the twin evils. We have had to contend with the spirit of the mob. This is no idle dream. It is a fact of which your honor is well aware."

Courts. Not Public, to Judge.

"The courts are organized to be experts, not the public. The public doesn't hear the whole thing thrashed out. They are not in a position to appreciate the merits of a case, no matter how much they want to do the right thing. The law is receiving a critical test right now. I've trembled more for the law than ever before. I have thought that the law has been more on trial than Leo Frank."

"We have been so circumvented and hedged about by hatred and prejudice that their influence constantly has been felt in the courtroom where a man was guaranteed a fair and impartial trial. The day when such a condition can not exist will

come soon. It's here now with the enlightened citizens of the State and even somewhat with the benighted."

"We've got the best people on earth right here in this Southland. We really are the only American people. It will not be long before we are completely divested of all this prejudice, but this time, I am sorry to say, is not yet here, if one may judge by what occurred at the courthouse during the trial last August, when mobs were pushing their way into the courtroom to misbehave, when people rejoiced and smiled and threw up their caps in delight because a man was condemned to death."

"I don't believe there is another case on record that a retch confessed to witnessing the commission of a crime against nature and lied in each of four successive affidavits on material points in his story, where his evidence would have been taken against that of a sheep-killing dog."

PDF PAGE 1, COLUMN 2

**ATTORNEY WHO IS
MAKING HARD
FIGHT FOR NEW TRIAL
FOR FRANK**

**REUBEN
ARNOLD.**

Ira W. Fisher, Who Accused Shirley, to Answer Old Charge

Chief Beavers Saturday is expecting officers from Dalton to take charge of Ira W. Fisher, who made the sensational and unfounded charge connecting J. C. Shirley with the murder of Mary Phagan.

Fisher is required in Dalton by the re-opening of a former indictment against him for the slaying of his brother-in-law. A warrant for his arrest on the charge of criminal libel, sworn out by Shirley, is in the hands of the Atlanta police, to be used in the event Fisher is not held on the Dalton charge.

PDF PAGE 2, COLUMN 1

**ARNOLD ENDS FIERY PLEA
FOR FRANK**

PDF PAGE 2, COLUMN 8

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Frank's Counsel Declares Mob Spirit Ruled Throughout Trial of Factory Superintendent.

The long fight for the life of Leo M. Frank, which now is centering in the hearing for a new trial, resumed Monday in the library of the State Capitol. Reuben R. Arnold, of counsel for Frank, took up his impassioned address where adjournment Saturday afternoon interrupted it just as he was making a scathing attack upon A. H. Henslee, who, the lawyer declared, had lain in wait in cold blood for the deliberate purpose of getting on the jury and spreading the virus of his prejudice among the other jurors.

Attorney Arnold, refreshed by the day's recess, entered vigorously into his argument, and recalled to the attention of the court a number of points which he had touched on only lightly in his previous remarks. He repeated his assertion that never in his entire legal career had he encountered a trial in which prejudice and mob spirit had played so great and deciding a part as in the trial of Frank last August.

Harps on Mob Spirit.

He based his demand for a new trial on the prejudice of Henslee and Johenning, the admission of illegal and irrelevant evidence when Jim Conley, C. B. Dalton and a number of the factory girls called by the State were on the stand; the many demonstrations that were made in the progress of the trial which, Arnold asserted, were unmistakable evidence of mob spirit and tended to influence and intimidate the jury, and on a score of alleged errors into which he counted the court had been led during the progress of the trial.

Solicitor Dorsey was prepared to go ahead with his reply at the conclusion of Arnold's address

Dorsey Ready to Reply.

The Solicitor has made a close investigation of every contention and every allegation made by the defense, and has indicated that he will concede nothing. Even in respect to the demonstrations he has said that he believes Frank's lawyers are "making a mountain out of a molehill," and that there was nowhere near the amount of hostile feeling and so-called "mob spirit" that the defense has pictured.

Solicitor Dorsey probably will take less time in his argument than Attorney Arnold, who began his address Friday afternoon. Luther Rosser, chief of counsel for the defense, will make the closing argument. The hearing probably will be concluded Tuesday night or Wednesday forenoon.

**PDF PAGE 3, COLUMNS 1 &
8**

**PDF PAGE 3, COLUMN 1
CHARGES DORSEY
PROTECTED CONLEY**

PDF PAGE 3, COLUMN 8

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Arnold Declares That Prosecutor and Police Joined in 'Head Hunting' Policy.

Approaching the conclusion of his scathing arraignment of the conditions which prevailed at the trial of Leo M. Frank, Attorney Reuben Arnold Monday repeated his accusation that Solicitor Dorsey in obtaining Frank's conviction had appealed to the mob and had held the fear of mob violence before the eyes of the twelve jurymen.

Arnold charged that the Solicitor had coerced a verdict and had excited the passions of the crowds by his inflammatory appeals to their lust for blood.

"There never was such a spectacle in a Georgia court of justice as that presented by Dorsey's protection of Conley," Arnold said. "He simply picked him up on his shoulders and carried him through the trial. He virtually said, 'You may depend on me, Jim, I will see that you are taken care of.'

Police Are Attacked.

"The Solicitor and the detectives were just going to get Frank nolens volens," was the opening declaration of Attorney Arnold when the hearing on a new trial resumed Monday morning.

"The indictment against Frank was brought before the Grand Jury ever knew about Conley's confession, before there ever was anything to warrant the indictment. I just want to show the spirit that has pervaded the investigation all the way through."

"The Solicitor contends that Conley's story damns Frank, but this indictment was drawn and returned before ever the grand jurors were aware of the negro's statements and before there was anything to connect Frank with the crime except his free and voluntary admission that he was in the factory at the time Mary Phagan came in to get her pay."

Question of Perversion.

"People have been only too eager to believe Frank a pervert. But from what source did they get their information? They got it from only one person, the miserable lying Jim Conley, who knew his own neck was at stake. I am making no charges, but it required only the merest suggestion from the detectives to persuade Conley to utter this infamous and diabolical lie against Frank in order to save his own neck."

"What were the detectives doing with Conley all the time they had him? The State's own witness, Detective Harry Scott, admitted that they coaxed, cajoled, threatened, led and prompted the negro and pointed out to him the weak spots in his story and made him revise it."

"The Solicitor claims that all the circumstances and all the testimony of the case sustain Jim Conley's story, but the fact of the matter is confi-

PDF PAGE 8, COLUMN 1

DORSEY CHARGED WITH HEAD HUNTING

**Arnold Declares
Solicitor and
PoliceAppealed to
Mob Spirit
for
Conviction.**

Continued From Page 1.

dence in his alleged immoral practice," argued Attorney Arnold. "Granting that Frank was foolish enough to make the negro acquainted with his improper conduct, whom could the negro have stopped had he actually been watching?"

"What white man would have paid any attention to that disreputable negro at the bottom of the stairs? Could Conley have stopped Darley? Could he have stopped Sig Montag? Could he have stopped Holloway, the watchman? No, anyone of them would promptly have told him to get out of the way."

Didn't Stop Monteen Stover.

Conley's story never was corroborated except in the facts which the detectives knew before they had Conley's confession and to watch the confession and to which the confession itself was made to conform.

Sound, Not Sense, Ruled.

"The jury was talking sound, and not sense, in this trial. Conley was not sustained by Monteen Stover. Far from it. His story was patched up to fit her testimony."

The lawyer went over each incident and each particle of testimony by which the Solicitor argued during the trial that Conley was sustained. Arnold contended that Conley was supported by none of the citations of Dorsey advanced his reasons.

Arnold laughed at the idea that Conley watched at Frank's direction while women visited the pencil factory office.

"To have a watchman involved taking another man into his conflict."

"Why, Conley did not even stop little shrinking Monteen Stover, who tripped up those stairs without interference. Conley said he saw her. He said that, just a moment before, he had heard the piercing scream of Mary Phagan. Yet he let Monteen Stover go on upstairs. Your honor, do you believe that Jim Conley ever was

watching there at the foot of those stairs? NO one can, it seems to me. It is the rottenest, clumsiest lie ever invented."

"Every fact of the case connects him more closely with the crime than any fact points suspicion toward Frank. The handwriting convicts Conley. His confessions convict him. He admitted, after concealing the fact for weeks, that he was in the factory at the time of the murder."

"He confessed to handling the body. He was seen by Ivy Jones, another negro, at 1:45, giving him just about time to dispose of the body. At this time Frank had been at home more than twenty minutes."

Arnold asserted that Frank had established as powerful an alibi as ever existed and that the physical facts of the case made it absolutely impossible for Frank to have been the murderer.

Attorney Arnold, refreshed by the day's recess, entered vigorously into his argument, and recalled to the attention of the court a number of points which he had touched on only lightly in his previous remarks. He repeated his assertion that never in his entire legal career had he encountered a trial in which prejudice and mob spirit had played so great and deciding a part as in the trial of Frank last August.

Harps on Mob Spirit.

He based his demand for a new trial on the prejudice of Henslee and Johenning, the admission of illegal and irrelevant evidence when Jim Conley, C. B. Dalton and a number of the factory girls called by the State were on the stand; the many demonstrations that were made in the progress of the trial which, Arnold asserted, were unmistakable evidences of mob spirit and tended to influence and intimidate the jury, and on a score of alleged errors into which he contended the court had been led during the progress of the trial.

Solicitor Dorsey was prepared to go ahead with his reply at the conclusion of Arnold's address.

**PDF PAGE 4, COLUMNS 1 &
8**

PDF PAGE 4, COLUMN 1

**ARNOLD FINISHES FIGHT
FOR FRANK**

PDF PAGE 4, COLUMN 8

DENOUNS

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DORSEY
AS
PLAYER
OF
POLITICS

Defense Lawyer Declares Solicitor Resorted to Artifices of Demagogue for Conviction.

That the conviction of Leo Frank was accomplished by crookedness, by the "playing of cards under the table" and the "pulling of every string of prejudice" was the sensational accusation made Monday by Reuben R. Arnold at the hearing for a new trial in the library of the State Capitol. He concluded his speech at the afternoon session.

To this he added the charge that Dorsey had political reasons for pursuing Frank and "shielding the negro."

"Dorsey that no power on earth could compel him to prosecute the negro as the murderer of Mary Phagan," exclaimed Arnold. "There was a mighty good reason for him to say this. He knew that people almost solidly were against Frank and it is the people that elect him to office."

"He virtuously proclaimed that 'I'll protect this poor innocent nigger and convict the biggest man in the community if I think it is right.' That has been the cry of the demagogue since the beginning of the world. It has come to be dangerous to be respectable or to have any money. One makes so much better a

target for the demagogues who are seeking to make a name for themselves."

Arnold dramatically asserted that he had read about horrible persecutions in other countries, but that he never had come face to face before with such an outrageous persecution as that which was visited upon Frank.

Charges Underhand Work.

"I never have seen a trial like this," he said, "where such unfair means, such underhanded tricks and devices were used to send a man to the gallows. I hope I may never witness such a spectacle again. I wouldn't have believed such a thing could take place. Neither would your honor have believed it."

A.H. Henslee, the juror charged with entertaining violent prejudice against Frank before the trial began, again was the target for the verbal assaults of the attorney. Having earlier in his address made a broad and general attack on the juror, Arnold toward the close of his argument, took up the specific utterances that were charged against Henslee and arrayed before Judge Roan the impressive showing of affidavits from persons in Atlanta, Sparta, Monroe and Albany, calling the attention of the court to the fact that Solicitor Dorsey had not even attempted to impeach the majority of them, who, for the most part, are regarded as leading citizens.

He pointed out that Henslee, except in two instances, denied only that he had made before the trial the remarks accredited to him, and that

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DORSEY CHARGED WITH HEAD HUNTING

**Arnold Declares
Solicitor and
PoliceAppealed to
Mob Spirit
for Conviction.**

Continued From Page 1.

in one case where he had denied being in Albany on July 8 it conclusively had been proved by the hotel register and by a

carbon copy of an order which Henslee himself had signed that he was there on that date.

Arnold contended that he had made out a plain and indisputable case of prejudice and bias against Henslee by persons of unblemished reparation and standing in their respective communities.

"I am arguing this point of Henslee's prejudice," he said, "just the same as though it were before the trial and I were resisting the selection of Henslee as a juror and I want your honor to consider it in the same light. If at that time you would have considered him incompetent to serve because of the plainly indicated prejudice and bias, then you can do nothing less now than to decided that he was incompetent and that the verdict, therefore, was vitiated by his selection and by the probability that he poisoned the minds of the other jurors against the defendant."

Rosser Interrupts Arnold.

"If your honor turns us down on this ground there never will be a ground of this sort that will be good anymore."

Luther Rosser, chief of counsel for Frank, interrupted Arnold at one point to make the charge that the pencil memorandum purporting to have been made by Henslee of his daily movements about the State as a salesman had been entered all at one time by Henslee after the charges had been made against him. The memorandum was submitted by Dorsey as an exhibit in Henslee's defense.

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"Our theory, your honor, is that Jim Conley was the murderer of Mary Phagan."

"Every fact of the case connects him more closely with the crime than any fact points suspicion toward Frank. The handwriting convicts Conley. His confessions convict him. He admitted, after concealing the fact for weeks, that he was in the factory at the time of the murder."

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Solicitor Dorsey was prepared to go ahead with his reply at the conclusion of Arnold's address.

PDF PAGE 5, COLUMN 8

SOLICIT

OR

STARTS

FINAL

TALK

Dorsey's Assistant Makes Only Short Speech in Attack on De- fense's Prejudice Charges.

Solicitor Hugh Dorsey began his final argument against a new trial for Leo Frank at 3:30 Monday afternoon.

In a determined effort to batter down one of the strongest arguments for a new trial for Frank—the alleged bias and violent prejudice of two of the jurors—Frank A. Hooper, associated with Solicitor Dorsey in the prosecution of Frank, rushed to the defense of A. H. Henslee, the juror most vigorously assailed, immediately upon the conclusion of Reuben Arnold's address Monday afternoon.

Attorney Arnold finished his argument at 2:30 o'clock, after talking for eleven hours and 45 minutes and consuming a large part of three days' sessions in his discussion of the reasons for a new trial.

Solicitor Dorsey will conclude the State's case in opposition to a new trial when Attorney Hooper finishes.

Calls Charge a Fantasy.

Hooper branded Arnold's charge that Henslee plotted to get on the jury and later played a deep game to poison the minds of the other jurors as a "fantasy, improbable and ridiculous, conjured up by the vivid imagination of my friend Arnold."

Evidently feeling that one of the strongest entrenchments of the defense was constituted in its contention of violent bias, Attorney Hooper devoted all the early portion of his address to an argument on what he termed the utter improbability of Henslee making the inflammatory statements credit to him.

He pointed out that Henslee sold eight buggies to Sam Farcus at Albany, on July 8, the date Henslee is alleged to have expressed his opinion of Frank's guilt in the presence of Farcus and other persons.

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"He virtuously proclaimed that 'I'll protect this poor innocent nigger and convict the biggest man in the community if I think it is right.' That has been the cry of the demagogue since the beginning of the world. It has come to be dangerous to be respectable or to have any money. One makes so much better a target for the demagogues who are seeking to make a name for themselves."

He pointed out that Henslee, except in two instances, denied only that he had made before the trial the remarks accredited to him, and that

PDF PAGE 9, COLUMN 1

DORSEY CHARGED WITH HEAD HUNTING

Arnold Declares Solicitor and Police Appealed to Mob Spirit for Conviction.

Continued From Page 1.

in one case where he had denied being in Albany on July 8 it conclusively had been proved by the hotel register and by a carbon copy of an order which Henslee himself had signed that he was there on that date.

Arnold contended that he had made out a plain and indisputable case of prejudice and bias against Henslee by persons of unblemished reparation and standing in their respective communities.

“I am arguing this point of Henslee’s prejudice,” he said, “just the same as though it were before the trial and I were resisting the selection of Henslee as a juror and I want your honor to consider it in the same light. If at that time you would have considered him incompetent to serve because of the plainly indicated prejudice and bias, then you can do nothing less now than to decided that he was incompetent and that the verdict, therefore, was vitiated by his selection and by the probability that he poisoned the minds of the other jurors against the defendant.”

Rosser Interrupts Arnold.

"If your honor turns us down on this ground there never will be a ground of this sort that will be good anymore."

Luther Rosser, chief of counsel for Frank, interrupted Arnold at one point to make the charge that the pencil memorandum purporting to have been made by Henslee of his daily movements about the State as a salesman had been entered all at one time by Henslee after the charges had been made against him. The memorandum was submitted by Dorsey as an exhibit in Henslee's defense.

Police Are Attacked.

"The Solicitor and the defectives were just going to get Frank *nolens volens*," was the opening declaration of Attorney Arnold when the hearing on a new trial resumed Monday morning. "The indictment against Frank was brought before the Grand Jury ever knew about Conley's confession, before there ever was anything to warrant the indictment. I just want to show the spirit that has pervaded the investigation all the way through."

"The Solicitor contends that Conley's story damns Frank, but this indictment was drawn and returned before ever the grand jurors were aware of the negro's statements and before there was anything to connect Frank with the crime except his free and voluntary admission that he was in the factory at the time Mary Phagan came in to get her pay."

Question of Perversion.

"People have been only too eager to believe Frank a pervert. But from what source did they get their information? They got it from only one person, the miserable lying Jim Conley, who knew his own neck was at stake. I am making no charges, but it required only the merest suggestion from the detectives to persuade Conley to utter this infamous and diabolical lie against Frank in order to save his own neck."

"What were the detectives doing with Conley all the time they had him? The State's own witness, Detective Harry Scott,

admitted that they coaxed, cajoled, threatened, led and prompted the negro and pointed out to him the weak spots in his story and made him revise it."

"The Solicitor claims that all the circumstances and all the testimony of the case sustain Jim Conley's story, but the fact of the matter is that Conley's story never was corroborated except in the facts which the detectives knew before they had Conley's confession and to which the confession itself was made to conform."

"The jury was taking sound, and not sense, in this trial. Conley was not sustained by Monteen Stover. Far from it. His story was patched up to fit her testimony."

The lawyer went over each incident and each particle of testimony by which the Solicitor argued during the trial that Conley was sustained. Arnold contended that Conley was supported by none of the citations of Dorsey, and advanced his reasons.

Arnold laughed at the idea that Conley watched at Frank's direction while women visited the pencil factory office.

"To have a watchman involved taking another man into his confidence in his alleged immoral practice," argued Attorney Arnold. "Granting that Frank was foolish enough to make the negro acquainted with his improper conduct, whom could the negro have stopped had he actually been watching?"

"What white man would have paid any attention to that disreputable negro at the bottom of the stairs? Could Conley have stopped Darley? Could he have stopped Sig Montag? Could he even have stopped Holloway, the watchman? No, anyone of them would promptly have told him to get out of the way."

Didn't Stop Monteen Stover.

"Why, Conley did not even stop little shrinking Monteen Stover, who tripped up those stairs without interference. Conley said he saw her. He said, just a moment before, he had heard the

piercing scream of Mary Phagan. Yet he let Monteene Stover go on upstairs. Your honor, do you believe that Jim Conley ever was watching there at the foot of those stairs? No one can, it seems to me. It is the rottenest, clumsiest lie ever invented."

"Our theory, your honor, is that Jim Conley was the murderer of Mary Phagan."

"Every fact of the case connects him more closely with the crime than any fact points suspicion toward Frank. The handwriting convicts Conley. His confessions convict him. He admitted, after concealing the fact for weeks, that he was in the factory at the time of the murder."

"He confessed to handling the body. He was seen by Ivy Jones, another negro, at 1:45, giving him just about time to dispose of the body. At this time Frank had been at home more than twenty minutes."

Arnold asserted that Frank had established as powerful an alibi as ever existed and that the physical facts of the case made it absolutely impossible for Frank to have been the murderer.

Attorney Arnold, refreshed by the day's recess, entered vigorously into his argument, and recalled to the attention of the court a number of points which he had touched on only lightly in his previous remarks. He repeated his assertion that never in his entire legal career had he encountered a trial in which prejudice and mob spirit had played so great and deciding a part as in the trial of Frank last August.

Harps on Mob Spirit.

He based his demand for a new trial on the prejudice of Henslee and Johenning, the admission of illegal and irrelevant evidence when Jim Conley, C. B. Dalton and a number of the factory girls called by the State were on the stand; the many demonstrations that were made in the progress of the trial which, Arnold asserted, were unmistakable evidences of mob spirit and tended to influence and intimidate the jury, and on a score of

alleged errors into which he contended the court had been led during the progress of the trial.

Solicitor Dorsey was prepared to go ahead with his reply at the conclusion of Arnold's address.

**PDF PAGE 6, COLUMNS 1 &
8**

**PDF PAGE 6, COLUMNS 1
DORSEY RAPS ARNOLD
IN SPEECH**

PDF PAGE 6, COLUMNS 8

**RIDICUL
ES ALL
CLAIMS
MADE
FOR**

FRANK

Dorsey's Assistant Makes Only Short Speech in Attack on De- fense's Prejudice Charges.

Solicitor General Hugh M. Dorsey began Monday afternoon the State's reasons for opposing a new trial for Leo M. Frank with the same dogged persistence on every point that who for him the conviction of Frank. He arrayed his arguments against a new trial and maintained that they were sufficient to prevent the court from over-ruling the verdict.

He characterized Attorney Arnold's arguments as a "three day harangue of piffle, most of which consisted of vilification and abuse." The Solicitor devoted all the time of the afternoon to an emphatic defense of Juror Henslee. He conceded none of the allegations made against Henslee and contended that the

affidavits against Henslee were made in great part by irresponsible persons who since had been impeached.

In a determined effort to batter down one of the strongest arguments for a new trial for Frank—the alleged bias and violent prejudice of two of the jurors—Frank A. Hooper, associated with Solicitor Dorsey in the prosecution of Frank, rushed to the defense of A. H. Henslee, the juror most vigorously assailed, immediately upon the conclusion of Reuben Arnold's address Monday afternoon.

Attorney Arnold finished his argument at 2:30 o'clock, after talking for eleven hours and 45 minutes and consuming a large part of three days' sessions in his discussion of the reasons for a new trial.

Solicitor Dorsey will conclude the State's case in opposition to a new trial when Attorney Hooper finishes.

Calls Charge a Fantasy.

Hooper branded Arnold's charge that Henslee plotted to get on the jury and later played a deep game to poison the minds of the other jurors as a "fantasy, improbable and ridiculous, conjured up by the vivid imagination of my friend Arnold."

Evidently feeling that one of the strongest entrenchments of the defense was constituted in its contention of violent bias, Attorney Hooper devoted all the early portion of his address to an argument on what he termed the utter improbability of Henslee making the inflammatory statements credited to him.

He pointed out that Henslee sold eight buggies to Sam Farcus, at Albany, on July 8, the date Henslee is alleged to have expressed his opinion of Frank's guilt in the presence of Farcus and other persons.

The lawyer argued that if Henslee ever had expressed such sentiments he never would have sold the buggies to Farcus, a co-religionist of Frank's.

Referring to the affidavits from Shi Gray, S. M. Johnson and John Holmes, of Sparta, Attorney Hooper declared that inasmuch as all three

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for Conviction.

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undeniably were mistaken in quoting Henslee as saying he had been drawn on the jury, as he had not been drawn at that time, it was only fair to assume that they might very easily be mistaken in reference to Henslee's remarks about Frank and the question of his guilt.

Hooper asserted that nothing in the progress of the trial happened to intimidate the jurors or to warrant Attorney Arnold in his description of the jurors as "twelve scared rabbits in wild flight at the snap of the gun." He said that if a new trial was to be granted every time there was a ripple of applause in the courtroom, new trials would be given in practically every murder trial in the State, as the friends of the accused could make the demonstration themselves and thus insure the defendant another change to escape his merited punishment.

Resents Arnold's Remarks.

Attorney Arnold, in closing his address, emphasized the responsibility resting with the court and said that if a new trial was refused it forever would put at rest the entire case, so far as the facts were concerned.

Attorney Hooper concluded his argument at 3:30, having talked only one hour. He resented strongly in his closing remarks the bitter criticism made by Attorney Arnold of the manner in which the Solicitor General had conducted the case.

Solicitor Dorsey then took up the closing argument.

That the conviction of Leo Frank was accomplished by crookedness, by the "playing of cards under the table" and the

"pulling of every string of prejudice" was the sensational accusation made Monday by Reuben R. Arnold. He concluded his speech at the afternoon session.

To this he added the charge that Dorsey had political reasons for pursuing Frank and "shielding the negro."

"Dorsey said that no power on earth could compel him to prosecute the negro as the murderer of Mary Phagan," exclaimed Arnold. "There was a mighty good reason or him to say this. He knew that the people almost solidly were against Frank and it is the people that elect him to office."

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J. M. Gantt

Again

In Court to Testify Against Assailant

Trial in the Recorder's Court Monday morning confronted H. H. Long, of No. 85 South Jackson street, on a charge of attacking with a knife J. M. Gantt, of Marietta, well known as a witness in the Frank trial and at one time arrested on suspicion of murdering Mary Phagan.

The attack took place Saturday night in a saloon at No. 33 West Mitchell street. Gantt subpoenaed as a witness for the trial, and other witnesses assert that Long and Gantt, being engaged in an argument, the former lost his temper, produced a long knife and attempted to cut his opponent's throat.

Long says he was drinking heavily and declares he remembers nothing of the attack or its cause.

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Beavers Cheered by Birmingham Men in Speech Against Vice

Chief Beavers and Marion Jackson, Men and Religion leader, returned to Atlanta Monday morning well pleased with the reception given to them in Birmingham Sunday when they addressed a mass meeting of men on the vice station.

Chief Beavers and Mr. Jackson told the Birmingham audience that the closing of the restricted district has improved Atlanta and that the city is in better condition than ever. They declared Atlanta never would consent to a return to the old condition. Chief Beavers drew an outburst of applause when he asserted that Birmingham never again would tolerate recognized vice in any form.

Birmingham recently wiped out the segregated district, and the addresses of the two Atlanta leaders were receive with great interest.

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